

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.15568 OF 2019

Date:25.07.2019

Between:

Pochipala Ramulu, S/o. Guruvaiah,
Aged 60 years, Occ: Agriculture,
R/o. Vusirikayalapalli, Singareni
Mandal, Khammam District and others .. Petitioners

And

The State of Telangana, through Principal
Secretary (Home), Secretariat,
Hyderabad and others .. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.15568 OF 2019****ORDER:**

Heard learned counsel for the petitioners and learned Government Pleader for Revenue.

2. Petitioners challenge the notice dated 02.07.2019 issued by the Mandal Surveyor, Office of the Tahsildar, Singareni Mandal, proposing to conduct survey on 05.07.2019 in land in Survey No.548/15/1 to an extent of Acs.10.00 in Aalya Thanda.

3. Learned counsel for the petitioners sought to contend that petitioners are the owners of land to an extent of Acs.06.25 guntas in Survey No.548/37 of Usirikayalapalli Village. The unofficial respondents claimed to be having land to an extent of Acs.10.00 in Survey No.548/15/1 of Aalya Thanda. In the guise of conducting survey in the land, the Surveyor as well as the unofficial respondents are trying to encroach into the land of the petitioners and are obstructing in cultivating their lands and the same is illegal.

4. As fairly submitted by learned counsel for the petitioners, rival parties instituted two independent suits. Petitioners filed O.S.No.140 of 2011 pending in the Court of Sub-Divisional Magistrate and Special Assistant Agent, Mobile Court, Bhadrachalam, and obtained interim injunction against the land mentioned above. The unofficial respondents filed O.S.No.122 of 2011 pending in the same Court and obtained interim injunction

in respect of the same land, as mentioned above. Hence, both the parties obtained injunction orders.

5. So far as the issue of interference is concerned, as fairly submitted by learned counsel for the petitioners, survey was not conducted and no fresh notice of survey was issued to the petitioners. According to the petitioners, they have no objection for conducting survey in the survey number mentioned in the notice, but in the guise of conducting survey, the respondent authorities cannot interfere in their land. However, apparently, there is rival dispute between the parties. Therefore, it is always open to the petitioners to raise objection of encroaching into their land in the guise of conducting survey in different survey number or they can request for conducting of survey of their own land, which may ultimately resolve the *inter se* dispute.

6. Leaving it open to the petitioners to raise their objection, if a notice is served on them for conducting survey or to file an application requesting to conduct survey of their land also in addition to the survey of land at the request of the unofficial respondent, and to work out their remedies as available in law, the Writ Petition is dismissed. Pending miscellaneous petitions shall stand closed.

P. NAVEEN RAO, J

Date:25.07.2019

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